

Boatyard General Permit
Advisory Committee
November 23, 2004, Meeting Minutes

Attendees:

Name	Affiliation	Street Address	City & Zip	Phone	E-Mail
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Agenda:

Morning :

Introductions

Don Seeburger, acting Section Manager, gave a brief statement of the WQ Program philosophy on this permit.

Review of the history of the permit renewal

Review of Ecology proposal for the permit (emailed to advisory members on 11/12/04)

Afternoon:

Discussion

NOTES:

There was an observation from one member that the existing data for the boatyard stormwater shows high concentration of copper and therefore Ecology must;

- Conduct a reasonable potential determination and place effluent limits in the permit

- Compliance with those limits must be achieved in 3 years

Other recommendations included:

- Monitoring must include receiving water
- The recommended sampling frequency is 1/month for at least 2 years
- The permit should include a requirement for no visible sheen
- The permit should prohibit non-stormwater discharges
- The permit must require that discharges to impaired waters meet water quality standards

There was some discussion about the ability and willingness of municipalities to accept stormwater from boatyard facilities. One facility noted that their request to send stormwater to the facility had been rejected by the municipality.

It was noted that some parts of Lake Union have an observable current and therefore facilities in these locations should have a higher benchmark.

There was a recommendation that Ecology conduct a “PR campaign” to alert boat owners to the requirements of the new permit and advising of best management practices. In the discussion on the diver advisory, one facility operator observed that it seemed to be effective in preventing in-water cleaning of soft paints.

Discussion on equity – It was observed that some boatyard facilities are not permitted facilities and are not following BMP’s. It was recommended that Ecology seek data to identify of all boatyards and marinas for the purpose of assuring permit coverage and for mailing informational materials. NMTA will assist in this effort.

There was a question about the cost of the requirements in the new permit. Ecology will do an analysis of the costs of the new requirements in the final permit.

There was a question on the timing of the new permit. Gary suggested the timing is somewhat dependent on the amount of controversy surrounding the permit. Ecology expects to issue this winter. The next step now is an internal staff review of a draft permit and fact sheet. A draft will then be presented to the advisory committee for review and comment on factual issues. A draft will then be released for formal public comment. Ecology will then prepare a response to comments and make any necessary changes to the draft. The permit is then issued.

In a discussion about the number of samples and the timing of the compliance sampling, it was noted by one boatyard manager that copper concentrations decrease as the seasons progress from fall to spring and this seems to be independent of the number of boats being worked on.

Two boatyard facility managers pointed out that Ecology needs to consider how to deal with their facilities that have stormwater from other sources crossing their facilities.

In the discussion on the requirement for a Stormwater Pollution Prevention Plan (SWPPP) it was noted that Ecology has guidance located on its web site for preparing these. There was some discussion about how to make these available to the public. Ecology considers these public documents but recognizes that making them accessible may become burdensome. One facility manager who had prepared a SWPPP considered it a good tool for preventing stormwater contamination.

There was considerable discussion on how to deal with facilities that are still not in compliance with the permit at the end of the permit term. Gary said this would be an agency decision at that time. His recommendation to management would be to place the worst ones under individual permit which would require them to produce an engineering report and receiving water study for their facility in order for Ecology to develop individual technology and water quality-based limits. These requirements are difficult to require within the context of a general permit. There followed some discussion on how this could be instituted as a commitment. Gary pointed out that Ecology will not place something in a permit that commits the agency to a future action. A condition in this permit that required those facilities to obtain an individual permit would mean those facilities would lose their appeal rights on that decision.

Ecology currently has a portion of one person in the Northwest Regional office and a portion of one person in the Southwest Regional office available for technical assistance and inspections on the boatyards. It was pointed out that the Industrial Stormwater general permit has legislatively-dedicated inspectors/technical assistance resources. Three advisory members agreed to explore the possibility of obtaining the same for the boatyards during the upcoming legislative session.

Responses to draft meeting notes:

Hi Gary:

Thanks for the prompt meeting minutes.

In thinking about the sampling frequency, I believe it should be a couple times per month for the duration of the permit, or until the boatyard gets a handle on how their BMP implementation is linked to stormwater discharges. I also think the sample should be of the first flush. I observed a first flush from Seaview West last week that included white paint that was sanded off the hull of an untarped wooden boat in the yard that made it through the storm drain insert and visibly discolored the receiving water. If Seaview had been required to sample this, they would have seen the pile of paint dust, and watched it flow into the stormdrain, around the bilge pad. If they had been required to sample the receiving water at the point of discharge they would have seen the discolored water and been able to either remedy the situation immediately or the next day gotten on top of the BMPs.

Another issue for the permit is whether the sampling takes place during business hours or whenever the next first flush happens. The discharge I noted was after 6 pm and there appeared to be no one on the site. Again, maybe sampling should be required whenever the first flush happens for the first few months, until they understand what is going on at their site.

Sue